



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-2008-00045 (US NAVY, PATUXENT RIVER NAS/EAST)
BASIN/DREDGING)

PN 08-08

Comment Period: February 6, 2008 to February 28, 2008

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: U.S. Navy Patuxent Naval Air Station
Mr. Kyle Rambo
c/o St. Mary's Soil Conservation District
22660 Washington Street
Leonardtown, Maryland 20650

LOCATION: In East Basin off the Patuxent River at Patuxent River Naval Air Station, St. Mary's County, Maryland.

WORK: To maintenance dredge by hydraulic method an approximate 679,000 square foot area to -14 feet mean low water resulting in approximately 84,500 cubic yards of sand and gravel to be deposited at an existing upland (non-wetland) disposal area on site. Ten-year maintenance dredging is requested. The existing waterway depths range from approximately -6.0 to -10.0 feet MLW near the face of the existing bulkhead to -12.0 feet MLW near the middle of the basin to -12.0 to greater than -14.0 feet MLW along the channelward edge of the project area. If you have any questions concerning this matter, please contact Mrs. Kathy Anderson at (410) 962-5690.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). The project site lies in or adjacent to EFH as described under the MSFCMA for the *Scophthalmus aquosus* (windowpane flounder) juvenile and adult; *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) juvenile and adult; and the eggs, larvae, juvenile, and adult stages of *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), managed species under the MSFCMA. The project has the potential to adversely affect EFH or the species of concern by loss of spawning, nursery, forage, and/or shelter habitat; however, the potential impacts would be minimal since the project area waterway depths range from approximately -6.0 to -10.0 feet MLW near the face of the existing bulkhead to -12.0 feet MLW near the middle of the basin to -12.0 to greater than -14.0 feet MLW along the channelward edge of the project area. The project area is not a Habitat Area of Particular Concern (HAPC). The Baltimore District has determined that the adverse effects of this project would be more than minimal, although not substantial, and an

abbreviated consultation will be conducted with NMFS. No mitigative measures are recommended to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21230-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

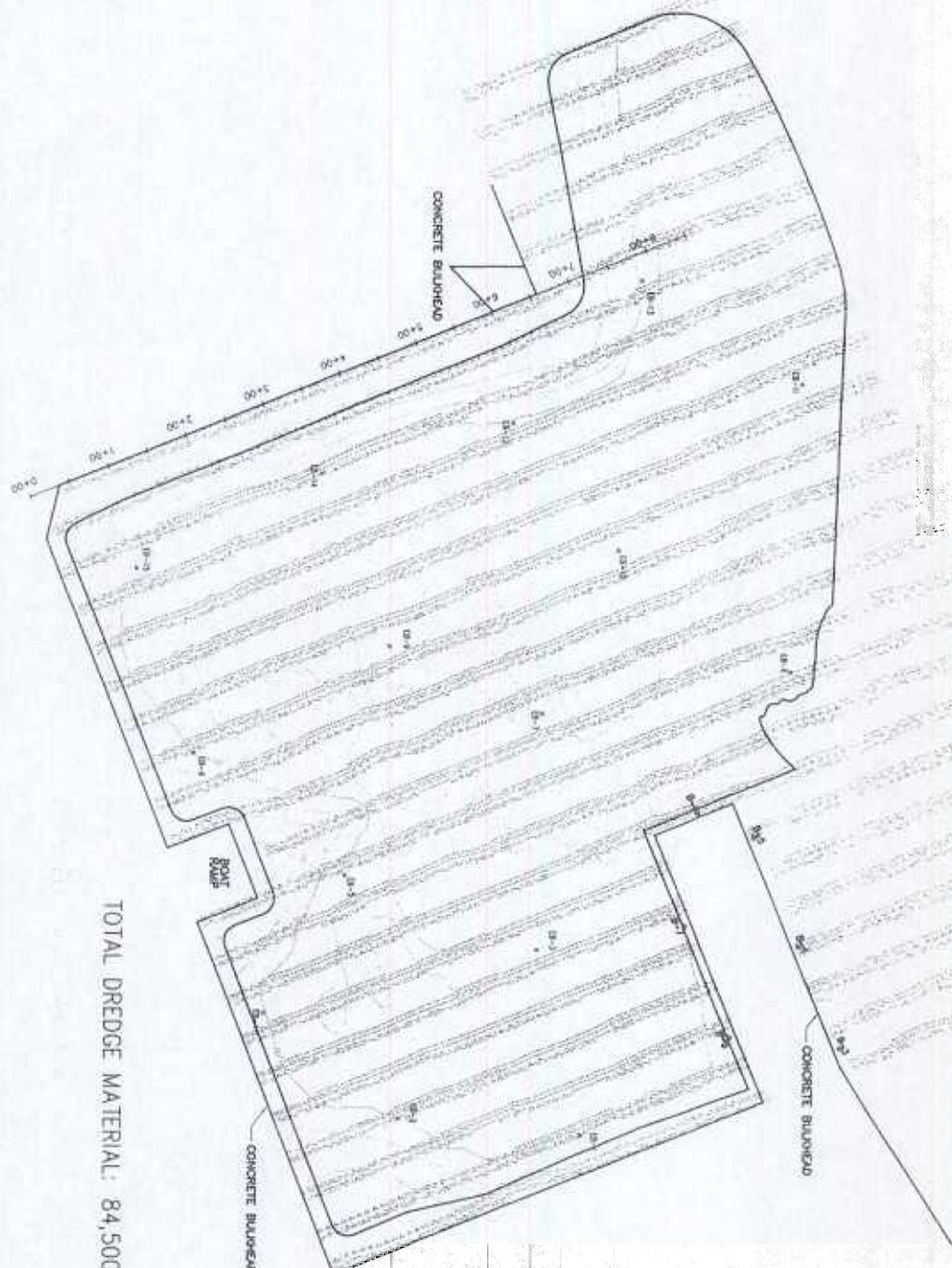
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in

which the interest may be adversely affected.

It is requested that you communicated the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

COASTLINE DESIGN, P.C. P.O. BOX 157 ACHILLES, VIRGINIA 23001 (804) 642-2158		ADJACENT PROPERTY OWNERS: 1. 2.		N.A.S. PATUXENT RIVER EAST BASIN EAST BASIN DREDGING TO -14 FEET PLAN		APPLICATION BY: NAVAL AIR STATION PATUXENT RIVER	
DATUM: MEAN LOW WATER		AT: N.A.S. PATUXENT RIVER EAST BASIN IN: ST. MARY'S COUNTY, MARYLAND		PURPOSE: EAST BASIN DREDGING TO -14 MLW		DATE: SEPTEMBER, 2007 SHEET 2 OF 8	



TOTAL DREDGE MATERIAL: 84,500 CU. YD.



\\vb\proj\Williamsburg\32213.07\cad\ev\pmapet\PAK RIVER BASIN\EAST BASIN -PA-3221307-EB-PA-02.dwg

2083

3 of 3

\\\\nb\\pro\\williamsburg\\3221307\\cod\\ev\\pionse\\PAX RIVER BASIN\\EAST BASIN_PAX\\3221307-EB-JPA-02.dwg

COASTLINE DESIGN, P.C. P.O. BOX 157 ACHILLES, VIRGINIA 23001 (804) 642-2158		DATUM: MEAN LOW WATER		IN: ST. MARY'S COUNTY, MARYLAND	
ADJACENT PROPERTY OWNERS: 1. 2.		AT: N.A.S. PATUXENT RIVER EAST BASIN		PURPOSE: EAST BASIN DREDGING TO -14 MLW	
APPLICATION BY: NAVAL AIR STATION PATUXENT RIVER		SECTIONS 3+00 AND 7+00			
DATE: SEPTEMBER, 2007		SHEET 3 OF 6			

SCALE IN FEET
0 100

